



410.019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : L. Di Nola-Baton
L. HEUX et al :
Serial No.: 10/018,326 : Group: 1615
Filed: December 10, 2001 :
For: MICROFIBRILLATED...SOLVENT :

475 Park Avenue South
New York, N.Y. 10016
August 2, 2004

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Express Mail, Mail Number 1234567890
Date of Deposit: Aug 4 2004
I hereby certify that the above is being filed with the United States Postal
Service on Aug 27 2004 at the "Address to
Service" on Aug 27 2004 at the address indicated
above and is being forwarded to the Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450

D. Maloney

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

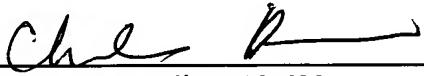
Applicants in the above application ask that the Notice of Abandonment dated July 6, 2004 be withdrawn since the Applicants never received the office action of November 4, 2003.

Applicants had not received any response to their status letter of November 27, 2002 and the undersigned attorney was following up by telephone with the Examiner handling the application in May of 2003 and was informed that she would not act on the application for another three months. Another follow up with the Examiner near the end of September of 2003 resulted in the Examiner indicating that it would be another month or two before she reached the same. The undersigned followed up in June of 2004 with the Patent Office and was informed that the Examiner who had been handling the application had left the Patent Office and that an office action on November 4, 2003 had

been issued. The same was never received by the undersigned's law firm as can be seen from the copies of the pages in early November 2003 of their log book submitted herewith.

The undersigned informed the Patent Office that the November 4, 2003 office action had never been received and requested the Patent Office to telefax a copy of the said office action which was effected by Carols A. Azpuru on June 28, 2004 at which time, the office action was immediately forwarded to the client and a draft response was submitted to the client on June 30, 2004. The present petition and amendment were prepared and filed. Therefore, under these circumstances, it is requested that the application be reinstated since Applicants never received the office action and could not timely respond thereto. Moreover, Applicants were diligent in following up with the Patent Office concerning the same. PTO Form-2038 is enclosed herewith authorizing the \$130.00 petition fee.

Respectfully submitted,
Muserlian, Lucas and Mercanti



Charles A. Muserlian, 19,683
Attorney for Applicants
Tel.# (212) 661-8000

CAM:ds
Enclosures

188. 542 Updated FR
 523. 1023 - PCT. Not Record. day
 Su2 - 22 New - Confiant. Auto
 Rul1 - 329
 302 - 113 3 Assign
 302 - 109 7 1/2 pd
 302. 099 - Div 7 1/2 pd
 219. 100 3 Not of Rul
 ton - 1807 FR
 427. 076 FR + accept
 428. 1010 - Div Canceled FR
 TSu - 37 Canceled FR
 454. 002 Updated FR
 Suw - 25 abandoned
 Liberty Branch abandoned
 Suw - 5, 03
 GLA - 53 - Div - 1 adv action
 427. 053 IT
 213. 1077 - CRNL Not of transmittal
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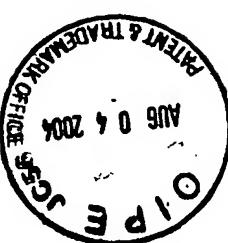
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